

**City of Greensboro
North Carolina
Greensboro Minimum Housing
Commission Meeting**

REGULAR MEETING

1:29 P.M.

January 12, 2010

Commission Members Present:

Larry Standley, Chairman
Jeff Nimmer
Tim Vincent
Wayne Stutts
Jim Burgess

Staff Present:

Wanda Hovander, Inspector
Mike Williams, Esq., City Attorney
Mary Lynn Anderson, City Attorney's Office
Dan Reynolds, Manager of Inspections Division
Butch Simmons, Director of Engineering and Inspections
Lori Loosemore, Ordinance Enforcement Supervisor
Don Sheffield, Commercial Demolitions
Roddy Covington, Inspector
Roy McDougal, Inspector
Chris Lee, Inspector

Staff and persons from the audience were sworn as to their testimony in the following matters for this meeting.

Inspector Hovander informed members Item 12, 1009 Pichard Street, was repaired by the owner and has been removed from the agenda.

1) APPROVAL OF MINUTES FROM DECEMBER 8, 2009 MEETING:

Mr. Burgess moved to approve the minutes from the December 8, 2009 meeting, seconded by Mr. Nimmer. The motion was unanimously approved 5-0. (Ayes: Standley, Nimmer, Stutts, Burgess. Nays: None.)

Mr. Vincent joined the meeting at 1:31 p.m.

New Cases:

2) 1608 Orlando Street – (TMN 468-3-2) – Nancy T. Coltrane, Owner – In the Matter of Order to Repair or Vacate and Demolish Structure. Inspectors Smith and Hovander. (CONTINUED UNTIL APRIL, 2010 MEETING)

Inspector Hovander stated that 1608 Orlando Street is not part of a duplex or apartment. The case is being submitted as greater than 50% damaged and no work is being done. A title search was completed in May, 2009 and all parties were notified of the hearing by certified mail. The date of the hearing was June 29, 2009. The order was issued July 6, 2009 and expired August 5, 2009. The date of the last visual inspection was January 11, 2010 by Inspector Hovander. The City did have to order the building secured and the owner secured it on May 28, 2009. There are children in the area but there is no school nearby. There is not a history of police complaints. In the opinion of the Inspector, the owner has abandoned their intent to repair the property.

Counsel Williams asked Inspector Hovander if the video being shown was a fair and accurate representation of the property; if all parties of interest were properly served with all Orders, Notices, and Complaints issued in this matter; the last date the property was visited was January 11, 2010; this property is not a duplex; and there are more than five separate types of violations of any of the Minimum Standard Housing Codes. Inspector Hovander stated that she agreed with all the information as stated.

Inspector Hovander stated that the list of violations include bathtub or shower not in sanitary, safe working condition; electrical receptacle: one grounded or FGCI receptacle required at laundry; electrical wiring not properly installed; exterior doors, assemblies or hardware not in good condition; exterior paint peeling, flaking or chipped; exterior walls: holes, breaks, loose or rotting materials; insect screens required at doors, windows and opening required for ventilation; interior structure in disrepair; interior surfaces cracked or loose plaster; interior surfaces: decayed wood; interior surfaces: paint peeling, chipping, flaking or abraded; interior surfaces: unclean, unsanitary, or not in good condition; mechanical equipment: maintain required clearances to combustible materials; plumbing fixtures leaking; plumbing fixtures not in working order, roof and flashing shall be sound, tight, and not admit rain; screen door, swinging: requires self-closing device in good working condition; windows not easily openable; windows, skylights, doors or frames unsound, in disrepair, or not weather tight.

Chair Standley asked if there was any one present wishing to speak on this matter.

William Branson, 29 Forest Lake Circle, stated that he planned to have repairs on the property completed by May of 2010. Mr. Branson's mother is the owner of the property. He works full time and has limited opportunities to make repairs.

Mr. Burgess moved to continue this application until the April, 2010 meeting, seconded by Mr. Nimmer. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

3. 1602 McConnell Road – (TMN 102-8-14) – T. P. Sebastian III, LLC, Owner – In the Matter of Order to Repair, Alter or Improve the Structure. Inspectors Covington and Hovander. (CONTINUED UNTIL FEBRUARY, 2010 MEETING)

Inspector Hovander stated that 1602 McConnell Road is not part of a duplex or apartment. The case is being submitted as closed for a year or longer and the order being expired. The date of the inspection was November, 2007 and all parties were notified of the hearing by certified mail. The date of the hearing was September 14, 2009. The order was issued October 19, 2009 and expired November 18, 2009. The date of the last visual inspection was January 11, 2010. The City did have to order the building secured and the City secured it in June of 2009. There are children in the area but there is no school nearby. There is not a history of police complaints. In the opinion of the Inspector, the owner has abandoned their intent to repair the property.

Counsel Williams asked Inspector Hovander if the video being shown was a fair and accurate representation of the property; if all parties of interest were properly served with all Orders, Notices, and Complaints issued in this matter; the last date the property was visited was January 11, 2010; this property is not a duplex; and there are more than five separate types of violations of any of the Minimum Standard Housing Codes. Inspector Hovander stated that she agreed with all the information as stated.

Inspector Hovander stated that the list of violations includes ceiling finish susceptible to falling; drop/extension cord exceeds 10 feet; electrical unsafe to operate; leaking roof covering; missing UL listed smoke detector; rotten flooring; water closet loose. After visiting the property on January 11, 2010, Inspector Hovander stated that more violations were observed.

Chair Standley asked if there was any one present wishing to speak on this matter.

Brad Deaton stated his business address as 2309 West Cone Blvd., Suite 150. He is the manager of the company that owns the property, T. P. Sebastian, LLC. He gave a brief history of the property and events leading up to the violations. He discussed options for the property including a potential sale to the City of Greensboro, repair for rent or sale, or demolishing the property to rebuild. He requested a continuance of 90 days to determine the best use for the property.

Butch Simmons, Director of Engineering and Inspections, stated that the City does not currently have an interest in acquiring the property. Upon hearing this information, Mr. Deaton requested a continuance of 60 days to determine the cost to renovate the property. Members recommended granting a continuance of 30 days to hear an explanation of the renovation costs and time frame.

Mr. Nimmer moved to continue the case until the February, 2010 meeting, seconded by Mr. Vincent. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

4. 919 Reid Street – (TMN 49-9-5) – Eugene W. and Angela K. Ellison, Owners – In the Matter of Order to Repair, Alter or Improve the Structure. Inspectors Covington and Hovander. (INSPECTOR UPHELD)

Inspector Hovander stated that 919 Reid Street is not part of a duplex or apartment. The case is being submitted as no work being done and the order being expired. A title search has been completed. The date of the inspection was October 30, 2006 and all parties were notified of the hearing. The date of the hearing was August 17, 2009. The order was issued September 3, 2009 and expired October 3, 2009. The date of the last visual inspection was January 12, 2010 by Inspector Hovander. The City did have to order the building secured and the owner secured it. There are children in the area and Bennett College is located near the property. There is not a history of police complaints. In the opinion of the Inspector, the owner has abandoned their intent to repair the property.

Counsel Williams asked Inspector Hovander if the video being shown was a fair and accurate representation of the property; if all parties of interest were properly served with all Orders, Notices, and Complaints issued in this matter; the last date the property was visited was January 12, 2010; this property is not a duplex; and there are more than five separate types of violations of any of the Minimum Standard Housing Codes.

Inspector Hovander stated that the list of violations include cover plate cracked/missing or loose; electrical system hazard: inadequate service; heating equipment inoperable; holes in interior wall/partition; insect/rodent infestation; porch floor, repair or replace; vacant structure or premises unclean, unsafe, unsecured, or unsanitary; water closet loose.

There was no one present wishing to speak on this property.

Mr. Stutts moved to uphold the Inspector, seconded by Mr. Vincent. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

Chair Standley stated that the property involved in this matter is located at 919 Reid Street in Greensboro, North Carolina. The property owner and all parties in interest in said property have been properly served with all Complaints, Notices and Orders issued in this matter in compliance with the law. The property owner and all parties in interest were afforded their due process rights in compliance with the law. The property in question has more than five separate types of violations of any of the Minimum Housing Code Standards. The continuation of this dwelling in its current condition is detrimental to the health, safety, morals and welfare to the people within the City of

Greensboro and is unfit for human habitation. Based on the foregoing findings of fact, it is hereby concluded that this matter is properly before this Commission; the described structure is dangerous and unfit for human habitation; and the Inspector is proper in all respects.

Therefore it is **Ordered, Resolved** and **Decreed** by vote of the Commission that the Inspector is upheld.

5. 921 Reid Street – (TMN 49-9-5) – Eugene W. and Angela K. Ellison, Owners– In the Matter of Order to Repair, Alter or Improve the Structure. Inspectors Covington and Hovander. (INSPECTOR UPHELD)

Inspector Hovander stated that 921 Reid Street is not part of a duplex or apartment. The case is being submitted as no work being done and the order being expired. A title search has been completed. The date of the inspection was July 29, 2009 and all parties were notified of the hearing by certified mail. The date of the hearing was August 31, 2009. The order was issued September 16, 2009 and expired October 16, 2009. The date of the last visual inspection was January 12, 2010 by Inspector Hovander. The City did have to order the building secured and the City secured it August 11, 2009. This has not been a repeat problem. There are children in the area and Bennett College is located near the property. There is not a history of police complaints. In the opinion of the Inspector, the owner has abandoned their intent to repair the property.

Counsel Williams asked Inspector Hovander if the video being shown was a fair and accurate representation of the property; if all parties of interest were properly served with all Orders, Notices, and Complaints issued in this matter; the last date the property was visited was January 12, 2010; this property is not a duplex; and there are more than five separate types of violations of any of the Minimum Standard Housing Codes.

Inspector Hovander stated that the list of violations include electrical equipment not properly maintained; exterior property or premises unclean, unsafe; exterior walls: holes, breaks, loose or rotting materials; heating facility, residential: maintain 65 degrees F at habitable rooms, toilets and bathrooms; insect screens required at doors, windows and openings required for ventilation; interior surfaces: other defective surface conditions; interior surfaces: unclean, unsanitary, or not in good condition; smoke alarm power source; provide functioning battery; unfit due to five or more violations; vacant structure or premises unclean, unsafe, unsecured, or unsanitary; windows, operable: not easily operable; and windows, skylights, doors or frames unsound, in disrepair, or not weather tight.

There was no one present wishing to speak on this property.

Mr. Stutts moved to uphold the Inspector, seconded by Mr. Vincent. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

Chair Standley stated that the property involved in this matter is located at 921 Reid Street in Greensboro, North Carolina. The property owner and all parties in interest in said property have been properly served with all Complaints, Notices and Orders issued in this matter in compliance with the law. The property owner and all parties in interest were afforded their due process rights in compliance with the law. The property in question has more than five separate types of violations of any of the Minimum Housing Code Standards. The continuation of this dwelling in its current condition is detrimental to the health, safety, morals and welfare to the people within the City of Greensboro and is unfit for human habitation. Based on the foregoing findings of fact, it is hereby concluded that this matter is properly before this Commission; the described structure is dangerous and unfit for human habitation; and the Inspector is proper in all respects.

Therefore it is **Ordered, Resolved** and **Decreed** by vote of the Commission that the Inspector is upheld.

6. 1001 (A & B) East Bragg Street – (TMN 49-4-10) Schwarz Properties LLC, Owner – In the Matter of Order to Repair, Alter or Improve the Structures. Inspectors Covington and Hovander. (CONTINUED UNTIL MARCH, 2010 MEETING)

Chair Standley stated that since Items 6, 7, 8, 9 and 10 are all located on East Bragg Street and owned by the same individual, the cases would be discussed as a group with orders following if necessary.

Inspector Hovander referred members to a letter in their agenda packet submitted by the owner in reference to the properties.

Chair Standley asked if there was any one present wishing to speak on this matter.

Frank Edmondson, 1947 North Federal Street, Asheboro, North Carolina, stated that he was representing the property owner. He described plans for bringing the properties back up to code. He indicated that all five properties would not be repaired at the same time due to reasons given at the previous meeting. He requested assurance that the area be patrolled while repairs are being made to avoid the continuing problem of vandalism. He indicated that the owner is flexible in what he would do; however, he was looking for support from the City.

Mr. Stutts asked Mr. Reynolds if he knew of anything that could be done to help property owners with continued instances of property vandalism. Mr. Reynolds discussed the situation and recommended the possibility of fencing the property. He felt efforts of both the property owner and the City would be required to work out a plan to resolve the problem.

Mr. Edmondson offered to repair one property at a time, beginning with 1005 (A & B), and the group discussed a timeline for completion. He requested assurance from the City that their concerns were being heard. He felt if there was success in keeping vagrants out of the property, the work could be completed in less than a year. Even if a response was not received from the City within the next few weeks, Mr. Edmondson stated they would still move forward with repairs on 1005 (A & B).

Mr. Vincent move to continue 1001 (A & B) East Bragg Street, 1003 (A & B) East Bragg Street, 1005 (A & B) East Bragg Street, 1007 (A & B) East Bragg Street, and 1009 (A & B) East Bragg Street until the March, 2010 meeting, seconded by Chair Standley. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

Mr. Nimmer noted for the record that the Commission was not expecting work to be completed on all of the four remaining properties by the March, 2010 meeting.

7. 1003 (A & B) East Bragg Street – (TMN 49-4-10) Schwarz Properties LLC, Owner – In the Matter of Order to Repair, Alter or Improve the Structures. Inspectors Covington and Hovander. (CONTINUED UNTIL MARCH, 2010 MEETING)

8. 1005 (A & B) East Bragg Street – (TMN 49-4-10) Schwarz Properties LLC, Owner – In the Matter of Order to Repair, Alter or Improve the Structures. Inspectors Covington and Hovander. (CONTINUED UNTIL MARCH, 2010 MEETING)

9. 1007 (A & B) East Bragg Street – (TMN 49-4-10) Schwarz Properties LLC, Owner – In the Matter of Order to Repair, Alter or Improve the Structures. Inspectors Covington and Hovander. (CONTINUED UNTIL MARCH, 2010 MEETING)

10. 1009 (A & B) East Bragg Street – (TMN 49-4-10) Schwarz Properties LLC, Owner – In the Matter of Order to Repair, Alter or Improve the Structures. Inspectors Covington and Hovander. (CONTINUED UNTIL MARCH, 2010 MEETING)

Continued Cases:

- 11. 510 Julian Street – (TMN 31-2-2) – Diane and Marion Smith, Owners – In the Matter of Order to Repair or Vacate and Demolish Structure. Continued from the August 11, 2009 and December 8, 2009 Housing Commission meetings. Inspectors Covington and Hovander. (CONTINUED UNTIL FEBRUARY, 2010 MEETING)**

Inspector Hovander stated that 510 Julian Street is a continued case and the owner has made a lot of progress. The service and history of the case was read into the record at an earlier meeting. The remaining list of violations include bathtub or shower not in sanitary, safe working condition; exterior walks, stairs, driveways, parking, etc. in disrepair or presenting hazards; rear steps must be completed; kitchen sink and cabinets not provided.

Marion Smith, 4330 Blackberry Road, updated the Commission on problems encountered with the cabinets. He stated that the only items remaining were the cabinets, back stairs, and the plumbing on the upstairs bathtub. Inspector Hovander commented that he has done a good job making repairs.

Mr. Vincent moved to continue this case until the February, 2010 meeting, seconded by Mr. Nimmer. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

- 12. 1009 Pichard Street – (TMN 130-15-7) – Timothy L. and Gail R. Hatcher, Owners – In the Matter of Order to Repair or Vacate and Demolish Structure. Continued from the October 13, 2009 and December 8, 2009 Housing Commission meetings. Inspectors Covington and Hovander. (REPAIRED BY OWNER)**

RUCO CASES:

Counsel Williams instructed the Commission as to their charge in making a ruling on the RUCO cases. He informed members that the appeal is to be conducted entirely on the factual record established by the RUCO Board. Commissioners must determine if the RUCO Board made a proper decision based on the facts that were available to them. He advised them that their scope of review included (1) a review for law, (2) insure proper procedures in Statutes and Ordinances have been followed, (3) insure due process rights were secured, (4) insure the RUCO Board made decisions based on competent information that supported their decision, and (5) insure their decision was not arbitrary or capricious.

Mr. Reynolds and Mr. Simmons answered questions from Commissioners relating to procedure and fines.

- 13. 204 Wilson Street -- (TMN-38-9-8) -- Todd Rotruck & Ronie Karkenny, Owner – In the Matter of RUCO Board appeal form the December 3, 2009 RUCO Board meeting. (\$250 FINE UPHELD)**

Inspector Hovander stated that the RUCO Board did not hear this case because the appeal period had expired.

Todd Rotruck, 3629 Lewiston Road, is the appellant in this case. He stated that he was never given proper notification to appeal within 10 days; the signature on the notification receipt was not his; and a 30-day notice was supposedly sent to a previous address where he had not resided in several years. He acknowledged the violation and paid the \$200 RUCO fine. At that time, he was informed he had a 45-day cure period to make repairs before daily fines were applied. He stated that he repaired the property within the cure period and the property passed inspection on

September 18, 2009. He was first notified of the \$3,150 daily fine by e-mail on November 1, 2009 and he appealed the fine within 10 days. Members asked questions and discussed conflicting circumstances and the timeline of events. Counsel Williams reminded members of their requirement to ascertain if there was an error made by the RUCO Board under the scope of the law. Mr. Simmons commented that there was inconsistency with notification in this case that could lead to misunderstanding.

Mr. Burgess moved to direct RUCO to hear this case again, seconded by Mr. Nimmer.

Mr. Stutts felt there was ambiguity as to whether or not the appellant was legally served notification. Mr. Stutts made a substitute motion to uphold the \$250 fine. There was no second to his motion.

Mr. Burgess amended his motion and moved to uphold the \$250 fine, seconded by Mr. Vincent. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

14. 2006 Stanley Road – (TMN 11-0686-B-0866-00-002) – Mark T. Wilson, Owner – In the Matter of RUCO Board appeal from the December 3, 2009 RUCO Board meeting. (\$250 FINE UPHELD)

Inspector Hovander informed Commissioners that Mr. Wilson, the appellant, was sent notification of the meeting; however, he was not present to pursue his appeal.

Mr. Burgess moved to uphold the \$250 fine, seconded by Mr. Nimmer. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

15. 1815 Muncey Lane -- (TMN 217-2-20) – Irena M. Vaughn, Owner – In the Matter of RUCO Board appeal from the December 3, 2009 RUCO meeting. (CASE RETURNED TO RUCO BOARD)

Inspector Hovander stated that Ms. Vaughn requested an appeal from the December 3, 2009 RUCO Board meeting. The Board heard the case although Ms. Vaughn did not attend the meeting. They ruled to uphold the Inspector's fine.

Irena Vaughn, 1815 Muncey Lane, explained that she received a notice of violation and appealed because she had a friend staying at 1815 Muncey Lane who was not renting from her. She received notification of the December 3, 2009 Appeal Hearing on December 22, 2009. She notified Mr. Reynolds that she didn't receive the notice on time because it was sent to the wrong address in Denver, Colorado where she currently lives. There was a discussion regarding dates of notification, the process for service, and the appellant's circumstances. Ms. Vaughn stated that she did not receive any rent from her friend living in the Muncey Lane property.

Mr. Burgess moved to send this case back to the RUCO Board, seconded by Mr. Stutts. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

Inspector Hovander went on record to confirm 3340 South Kendall Street, Denver Colorado as the address for future correspondence with Ms. Vaughn.

REQUESTS TO RESCIND:

Mr. Burgess moved to rescind the following items, seconded by Mr. Nimmer. The motion was approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

16. 713 Cole Street – (TMN 3-146C-498-37) – Marjorie C. Baldwin, Owner. Demolished by owner. HCR recorded 7/17/2009, book 7038 page 1768-1769. Inspector Hovander.

ADJOURN:

Inspector Hovander informed members that the February, 2010 meeting of the Minimum Housing Standards Commission will be held at 1:00 p.m. instead of 1:30 p.m. due to a conflict with the availability of the Council Chambers.

There being no further business before the Commission the meeting was adjourned at 3:15 p.m.

Respectfully submitted,

Larry Standley, Chairman
Greensboro Minimum Housing Commission
LS:sm/jd